IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 22448 of 2007(V)

PETITIONER:

JOHN JOSEPH,
DANAMPADIKKAL, THITTAMEL MURI,CHENGANNUR VILLAGE.

BY ADV. SRI.RINNY STEPHEN CHAMAPARAMPIL

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY REVENUE SECRETARY,
THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR,
COLLECTORATE, ALAPPUZHA.

3. TAHSILDAR,
TALUK OFFICE, CHENGANNUR.

4. VILLAGE OFFICER,
VILLAGE OFFICE, CHENGANNUR VILLAGE.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20 /07/2007/, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO. 22448 OF 2007

DATED THIS THE 20th DAY OF JULY, 2007

JUDGMENT

The petitioner complains that the petitioner is sought to be evicted from the property occupied by him which belongs absolutely to him on the ground that it is Government land, that too without issuing any notice or other proceedings as provided under the Kerala Land Conservancy Act and Rules. As they are responsible officers, I do not think respondents 2 to 4 would take proceedings under the Kerala Land Conservancy Act, without complying with the procedure under the Act. It is settled law that such proceedings can be initiated only after notice and an opportunity of being heard, which shall include an opportunity to adduce evidence also, and a speaking order meeting the contentions of the petitioner on the basis of the evidence to be adduced by him.

In the above circumstances, I dispose of this writ petition with the observation that any proceedings under the Land Conservancy Act shall only be after complying with the above procedure.

S. SIRI JAGAN, JUDGE

Acd